



# G·LAW

A publication for  
the clients and  
friends of  
GoldenbergLaw.

*"Promoting safety through accountability."*

Winter 2017



## Meet Our New Partners

Laura Pittner • Marlene Goldenberg • Noah Lauricella

### A Story of Denial and Disaster

Is Diabetic Shock a defense  
in a car crash?

### Hip Revision Surgery?

The recalled Stryker V40  
could be to blame

### Important Trial Updates

Talcum Powder  
DePuy Pinnacle

800 LaSalle Avenue  
Suite 2150  
Minneapolis, MN 55402

**GOLDENBERGLAW**  
PRODUCTS LIABILITY & PERSONAL INJURY ATTORNEYS



Phone: 612-333-4662  
Toll Free: 1-855-333-4662  
[www.goldenberglaw.com](http://www.goldenberglaw.com)

A message from...

# STUART GOLDENBERG



## Congratulations to our new Partners!

I want to sincerely congratulate Noah, Marlene and Laura. In order to make partner at our firm, besides a lot of hard work, there is a rigorous list of client service, litigation, case management, and community service benchmarks that must be met. Whether it was Noah being appointed to the Bair Hugger PSC and helping to lead our Talc litigation, Marlene's leadership on the Medtronic Infuse litigation and her appointment to the Abilify PSC, or Laura's extensive work on Benicar and her leadership on our hip litigations, each of them have surpassed all these goals. They have also expertly handled motor vehicle, product liability, premises and medical negligence cases. However, I am most proud of how much they care about our clients, our staff and our community. The future of our firm is good hands.

*"I want to wish you and your family a safe, healthy and happy holiday season."*

## Yes, we still help clients injured in motor vehicle collisions.

Since a large amount of our litigation involves product liability, drug and device cases, I am often asked if we still handle car accident cases and other personal injury cases. The answer is a firm yes. For over 30 years we have helped thousands of clients to succeed with these cases, including over 50 jury trials. We would be honored to help anyone to understand their rights and choices in a motor vehicle collision. In this issue, we feature a very unusual situation where we helped a client recover from a serious collision where the defendants suffered a medical emergency and liability was denied. P. 4.

## Thank you for 30 great years and Happy Holidays!

In late October, we celebrated our firm's 30 year anniversary. It is only because of you—our clients and our friends—that we have been able to reach this milestone. Our firm is still based on your referrals and our relationship with you. We sincerely want to thank you for your continued trust in either allowing us to represent you or by sending us your friends, clients and loved ones who required our assistance. We have tried to make a difference in everyone of our client's lives. We are very grateful to all of you.

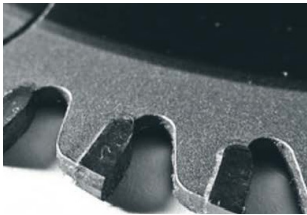
# SERIOUS PERSONAL INJURY & PRODUCT LIABILITY

*GoldenbergLaw invites you to contact us regarding serious injury cases including death, paralysis, amputation, brain injuries, burns, or other disabling injuries.*



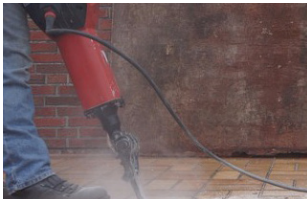
## MOTOR VEHICLE COLLISIONS

We have successfully resolved thousands of car, truck, pedestrian, and bicycle collisions including a number of settlements over \$1 million dollars and over 50 jury trials. We pride ourselves in understanding and finding all available insurance coverages.



## DEFECTIVE PRODUCTS

Our expertise extends to any defective product causing serious or catastrophic injury. This includes litigation of vehicles, saws, heavy equipment, machinery, farm implements, conveyor systems, construction equipment, household products, medical equipment, and dangerous toys.



## CONSTRUCTION & PREMISE LIABILITY

We were one of the counsel in the 35W Bridge Collapse cases. We understand OSHA, ANSI, and other construction standards that allow us to succeed – even in difficult cases. Our expertise includes gas explosions, electrocutions, building and ramp collapse and fire cases.



## TOXIC EXPOSURE

We have specialized expertise in proving toxic materials cause cancer or some other disorder. We have handled cases involving heavy metal exposure, Talc, Asbestos, and Chlorine gas exposure among others.



## MEDICAL NEGLIGENCE

We are very selective regarding these cases. We have particularly focused on professionals misprescribing prescription drugs or negligently using devices "off label".



## NUTRITIONAL SUPPLEMENTS

Supplements are notoriously underregulated and many are dangerous. We have handled defective supplements which contained harmful metals, caused liver damage, or have other dangerous ingredients.



## IS DIABETIC SHOCK A DEFENSE IN A CAR CRASH ?

*A story of denial and disaster*

Our nice, middle-aged client was driving through an intersection when her car was suddenly struck by another vehicle barreling through a red light. The force was enough to spin her car into the next lane where it was hit a second time. Our client sustained numerous injuries including fractures in her neck that required fusion surgery. Before running the red light the driver managed to hit another vehicle, drive onto an exit ramp, and plow through a snow bank. Our client didn't expect to be hit by a car as she legally drove

through the intersection, yet the defendant's insurance company was denying liability! They claimed the defendant had an unavoidable medical emergency. She came to Goldenberg Law seeking to answer the questions so many victims of negligence ask – what should I do?

The driver of the other vehicle had gone into diabetic shock. Diabetic shock is the result of blood sugar dropping to a level that is dangerously low. This can often be the result of not eating enough, exercising too much, or drinking alcohol without eating food. If someone is entering a diabetic shock they become dizzy, shaky, sweaty, anxious, and irritable. If nothing is done to even out blood sugar levels, the individual becomes severely confused and can lose consciousness. Doctors often take care to educate diabetics about the signs and symptoms that arise if blood sugar levels are not carefully monitored. But is diabetic shock a defense for causing a car accident?

In the case of the driver who hit our client, we challenged this defense and litigated the case. After taking depositions and examining records, we proved the defendant had been diabetic for all of his adult life and aware of the signs and symptoms associated with low blood sugar levels. On this particular day, he woke up with extremely low blood sugar levels, something unusual for him, but did nothing to remedy the issue throughout the day. In fact he had not checked his levels for many hours. He got behind the wheel with these low levels and went into diabetic shock while traveling at highway speeds.

To further challenge this defense we obtained a diabetes expert report which stated: "Just like someone who has had too much to drink, the defendant chose to get behind the wheel with diminished capacity." This ultimately led to the defendant's insurance company paying their policy limits and our client recovering the Underinsured Motorist (UIM) limits as well.

In this case, diabetic shock was not a defense.



# DANGEROUS DRUGS AND DEVICES

**GoldenbergLaw is currently investigating claims involving these products and has 30 years of experience handling dangerous drug and device cases. Contact us at (612) 436-5026 or 1-855-333-4662.**

## ABILIFY

A widely prescribed antipsychotic medication approved for treatment of schizophrenia, bipolar disorder, and depression - linked to compulsive gambling behaviors.



## BAIR HUGGER

A warming blanket used during surgeries that can spread contaminated air over open wounds - linked to deep joint infections and need for revision surgery.



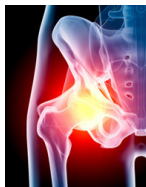
## TALCUM POWDER/BABY POWDER

Talc-based powder used for many purposes - linked to ovarian cancer when used for female hygiene in genital area.



## METAL-ON-METAL HIPS

Models include DePuy ASR, DePuy Pinnacle, Zimmer Durom Cup, and others - linked to implant loosening, pain, high metal levels in blood, and need for revision surgery.



## BENICAR

Blood pressure medication - linked to severe intestinal problems that cause chronic diarrhea, dehydration, and weight loss.



## ZIMMER PERSONA KNEE

A knee device system that has been recalled by the manufacturer - has been known to loosen and cause bone damage when uncemented.



## INFERIOR VENA CAVA FILTER

Blood clot filters placed in the large vein leading to the heart - shown to migrate or fracture after a period of time and can puncture parts of the vein or other internal organs.



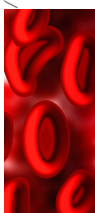
## TESTOSTERONE THERAPY DRUGS

Male hormone drugs - linked to increased risk of heart attack, blood clots, stroke, or death.



## ALERE INRATIO

A monitoring system used by patients taking Warfarin to measure the blood's ability to clot. Recalled for giving inaccurate results potentially leading to an improper dose of Warfarin causing excessive bleeding, hemorrhagic stroke, and death.



## STRYKER V40 FEMORAL HEADS

One component of a metal-on-metal modular hip replacement system. Attaches to a metal neck and stem, causing corrosion and metal-on-metal wear. This leads to metal poisoning, necrosis, and need for revision surgery.



## STRYKER REJUVENATE/ ABG II HIP STEM

Modular hip stems - linked to corrosion at stem/neck juncture leading to elevated metal levels in bloodstream, necrosis, and revision surgery.



## XARELTO

A blood thinner medication that has been linked to uncontrollable bleeding.



# TRIAL UPDATES

*Talcum Powder  
DePuy Pinnacle*



## \$70 Million Talcum Powder Verdict

Another blow to J&J's talc defense

Plaintiff Deborah Giannecchini was awarded \$70 million by a St. Louis jury in the latest talcum powder trial. The total award amount includes a massive \$65 million in punitive damages against defendant Johnson & Johnson (J&J).

The jury also awarded \$2.5 million in punitive damages against Imerys, the mining company that sold the talc to J&J. This is the first trial where Imerys has been held responsible.

The jury gave their verdict after only three hours of deliberation, sending a clear message to J&J that it acted with reckless disregard for women's safety when they knew of and failed to warn consumers of the link between genital talc use and ovarian cancer.



## \$1.04 Billion Pinnacle Hip Verdict

Jury sends strong message to DePuy and J&J

The third bellwether trial in the DePuy Pinnacle litigation began in early October. Though it was never recalled, plaintiffs were able to present a wealth of evidence showing that the DePuy Pinnacle Acetabular Cup System has similar defects to the recalled DePuy ASR system and therefore that DePuy knew the damage Pinnacle hip systems could cause in hip replacement patients. Evidence at trial showed that DePuy paid royalties of over \$200 million to doctors who helped design and promote the Pinnacle hip systems. Plaintiffs also pointed out that DePuy is worth over \$72 billion dollars and if the jury truly wanted to send a message to DePuy, they would have to award the plaintiffs enough money to make an impact. The jury heard the plaintiffs loud and clear. We will see if J&J is finally listening and resolves these cases. Stay tuned.

# NEWS AROUND GOLDENBERGLAW

## *Congratulations to* the New Partners at GoldenbergLaw



### Laura Pittner

J.D. William Mitchell College of Law

B.A. University of Wisconsin Madison  
Literature and Women's Studies

Minnesota Association of Justice's (MNAJ)  
Women for Justice - Co-chair

Volunteer Lawyers Network  
Volunteer Attorney



### Noah Lauricella

J.D. Washington and Lee University School of Law

B.A. Denison University  
Psychology - magna cum laude

Minnesota Association of Justice's (MAJ)  
Co-presenter of a MAJ webinar re: The Talcum Powder  
and Ovarian Cancer Trials

Chicago Volunteer Legal  
Founder and Clinical Supervisor of pro bono clinic



### Marlene Goldenberg

J.D. William Mitchell College of Law

B.A. Syracuse University  
International Relations, Political Science, and  
Spanish - magna cum laude

PSC re: ABILIFY (ARIPRAZOLE) Products Liability  
Litigation - Discovery Liaison

Big Brothers Big Sisters of Minnesota  
Mentor/Role Model (Big Sister)

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Minneapolis, MN 55402

## Contact:

[www.goldenberglaw.com](http://www.goldenberglaw.com)

Phone: 612-333-4662

Toll Free: 855-333-4662

Fax: 612-367-8107

## Areas of Expertise

Products Liability

Personal Injury

Auto and Truck Accidents

Worker's Compensation

Medical Malpractice

Wrongful Death

Construction Accidents

Structural Collapses

Gas Explosions

Dangerous Drugs

Defective Medical Devices

Toxic Tort

Catastrophic Injury

Insurance Disputes